

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARK ANTOINE NIXON, )  
                          )  
Petitioner,         )      2:09-cv-876  
                          )  
vs                    )  
                          )  
JEFFERY A. BEARD, et al., )  
                          )  
                          )  
Respondents.        )

ORDER

AND NOW, this 20<sup>TH</sup> day of August, 2009, after the Petitioner, Mark Antoine Nixon, filed a petition for writ of habeas corpus, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties thirteen days after being served with a copy to file written objections thereto, and no objections having been filed, and upon written review of the petition and the record and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 10), which is adopted as the opinion of this Court,

IT IS ORDERED that the petition for writ of habeas corpus filed by Petitioner (Docket No. 1) is dismissed and a certificate of appealability is denied. The Clerk of Court shall mark the case closed for statistical purposes. IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the Petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P .

s/ Terrence F. McVerry  
United States District Judge

cc:

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